

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION**  
In Admiralty

**TROY D. DWYER, *et al.***

**Plaintiffs,**

**v.**

**L.D. AMORY AND COMPANY,  
INCORPORATED, *et al.***

**Defendants.**

**Civil No: 4:21-cv-37**

**JOINT MOTION TO TAKE DISCOVERY DEPOSITION OF CYNTHIA TRIPLETT**

Pursuant to Federal Rule of Civil Procedure 29(b), Plaintiff Troy Dwyer, individually and derivatively on behalf of Quinby Allie LLC and Bella Sky LLC (“Plaintiffs”), and Defendant C. Meade Amory (“Mr. Meade”), by their respective counsel, move this Honorable Court to allow the Parties to take the discovery deposition of witness Cynthia Triplett (“Ms. Triplett”) after the deadline to complete discovery of June 15, 2023, established in this Court’s Order dated April 3, 2023. (ECF No. 90).<sup>1</sup> The Parties state the following as grounds for this Motion:

1. On April 3, 2023, this Honorable Court entered and Agreed Order Extending Discovery Cutoffs. (ECF No. 90).
2. Pursuant to that Order, “Discovery, except as to expert witnesses, shall be completed by all parties by June 15, 2023.” (ECF No. 90).
3. Trial in this matter is set to commence on November 7, 2023. (ECF No. 90).

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<sup>1</sup> Quinby J. Amory was dismissed from this action pursuant to a Joint Stipulation of Dismissal entered by this Court on April 19, 2023. (ECF No. 91). Defendant L.D. Amory and Company Incorporated has not joined this Joint Motion but does not oppose the Motion.

4. The Amended Complaint, in part, concerns allegations that Meade engaged in financial impropriety related Plaintiffs Quinby Allie LLC and Bella Sky LLC and that certain improper actions were taken by Ms. Triplett, who handled the financial books and records of Plaintiffs Quinby Allie LLC and Bella Sky LLC, at Meade's direction. (*See generally* ECF No. 83).

5. Accordingly, Ms. Triplett is a material fact witness to this litigation and the Parties agree on the importance and necessity of deposing Ms. Triplett prior to trial.

6. The Parties are not able to depose Ms. Triplett before the deadline to complete discovery (June 15, 2023) due to medical emergency, which has rendered her unable to testify until she is medically cleared.

7. In light of the foregoing, the Parties respectfully pray this Honorable Court allow the Parties to take the discovery deposition of witness Cynthia Triplett on or before September 30, 2023, or within such reasonable time thereafter if Ms. Triplett is not medically cleared before September 30, 2023.

8. All other deadlines currently set by this Honorable Court, as modified by Court Order, including the November 7, 2023 trial date, will remain as currently scheduled.

9. A proposed Order granting the above requested relief is attached hereto for this Honorable Court's consideration.

**WHEREFORE**, the Parties respectfully pray this Honorable Court allow the Parties to take the discovery deposition of witness Cynthia Triplett on or before September 30, 2023, or within such reasonable time thereafter if Ms. Triplett is not medically cleared before September 30, 2023.

Dated: June 15, 2023

Respectfully submitted,  
**TROY D. DWYER**, derivatively on behalf  
of Bella Sky, LLC and Quinby Allie, LLC, and  
Individually,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of June 2023, I electronically filed the foregoing using the CM/ECF system which will send notification of such filing to all counsel or record.

/s/ Samuel K. Walsh